

IN RE: PETITION FOR VARIANCE
SE/S Inter. of Reisterstown
and Cherry Valley Roads
(Cherry Valley Plaza)
4th Election District
3rd Councilmanic District
DKA Associates Ltd. Part.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-12-A
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for Baltimore County as a Petition for Variance filed by the owners of the subject property, DKA Associates Limited Partnership, by Phillip E. Klein, a General Partner, through their attorney, Julius W. Lichter, Esquire. The Petitioners request relief from Section 409.6A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 406 parking spaces in lieu of the required 483 spaces, and from Section 409.4.C of the B.C.Z.R. to permit access aisle widths of 14 feet and 20 feet in lieu of the required 22 feet, for existing and proposed uses in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were James T. Edwards, Proprietor of the Wye River Crabber, the proposed tenant, William Berman on behalf of the property owner, and Kenneth Colbert, Professional Engineer. The Petitioners were represented by Julius W. Lichter, Esquire. There were no Protestants present.

Testimony indicated that the subject property consists of a gross area of 7.6627 acres, more or less, zoned B.M. and is the site of the Cherry Valley Plaza. This strip shopping center was developed in 1982 and is comprised of approximately 100,000 sq.ft. of leasable space. Its main tenant is a Hechinger's store which utilizes approximately 73,000 sq.ft. The Petitioners are desirous of filling a currently vacant space within

the shopping center with a carry-out sub shop, known as the Wye River Crabber. While the proposed sub shop will utilize only 1100 sq.ft. of space and provide seating for approximately 20 customers, installation of this new tenant requires that the property owner provide more parking spaces or request the subject variance from Section 409.6A.2. Due to the fact that the shopping center has existed on the site since 1982 and has been built out, a variance is requested. Further testimony indicated that the requested variance as to aisle width requirements is necessary in order to bring the property into compliance with the regulations. The Petitioner testified that those areas where the aisle width variance is needed are used only by employees of the shopping center and the continued use of same will not result in any detriment to the public health, safety and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

The Development Plan Review division of the Department of Public Works submitted comments dated July 23, 1993 in which it is recommended that the subject site be brought into compliance with the Baltimore County Landscape Manual. A review of the photographs submitted indicates that the existing landscaping along Cherry Valley Road and the interior of the site appears to be appropriate. It is to be noted that this is an existing shopping center and that the relief requested relates only to parking as a result of the new tenant, which will comprise only 1100 sq.ft. of the total leasable area. In the opinion of this Zoning Commissioner, it would be a hardship upon the property owner to require landscaping of the entire site in view of the fact that the variances are related to parking and there is no new construction contemplated. Nonetheless, the photographs illustrate that there is an absence of landscaping along the front of the property on

- 3 -

Reisterstown Road, but for a low hedgerow. I believe that the planting of either evergreens or deciduous trees along the front portion of the site would be a benefit to both the appearance of the shopping center as well as the streetscape along Reisterstown Road. Therefore, as a condition of the relief granted, I will require the Petitioners plant no less than six (6) major deciduous and/or evergreen trees along Reisterstown Road to supplement the existing landscape. I will leave the precise location and identification of these plantings to the County's Landscape Architect.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of August, 1993 that the Petition for Variance requesting relief from Section 409.6A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 406 parking spaces in lieu of the required 483 spaces, and from Section 409.4.C to permit access aisle widths of 14 feet and 20 feet in lieu of the required 22 feet, for existing and proposed uses, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) As a condition of the relief granted, the Petitioners shall plant no less than six (6) major deciduous and/or evergreen trees on the front portion of the property along Reisterstown Road. The exact locations and types of plantings shall be at the discretion of the Baltimore County Landscape Architect. Further,

- 4 -

the required landscaping shall be accomplished, weather permitting, prior to the issuance of any occupancy permits.

3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 18, 1993

Julius W. Lichter, Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SW/S Intersection of Reisterstown Road and Cherry Valley Road
(Cherry Valley Plaza)
4th Election District - 3rd Councilmanic District
DKA Associates Limited Part. - Petitioners
Case No. 94-12-A

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. James T. Edwards
6311 Deer Park Road, Reisterstown, Md. 21136

People's Counsel

File

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Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at S.E. Intersection of Reisterstown Road and Cherry Valley Road

which is presently zoned B1.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property shown in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from (Section(s))

- (1) 409.6A.2 to permit 406 parking spaces in lieu of required 483 spaces
- (2) 409.4.C to permit an access aisle of 14 feet and 20 feet for 90 degree parking in lieu of the required 22 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

site constraints at existing shopping center and additional reasons to be presented at the public hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Continued Petitioner/Letter:

Type or Print Name

Signature

Address

City

State

Zip

Phone No.

Signature

Address

City

State

Zip

Phone No.

Signature

Address

City

State

Zip

Phone No.

Signature

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Phone No.

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State

Zip

Phone No.

Signature

Address

City

State

Zip

Phone No.

With an attorney's advice and after, under the penalties of perjury, that they are the legal owner(s) of the property shown in the map of this Petition.

Legal Owner(s):

Type or Print Name

Signature

Address

City

State

Zip

Phone No.

Signature

Address

City

State

Zip

Phone No.

Signature

Address

City

State

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Phone No.

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Phone No.

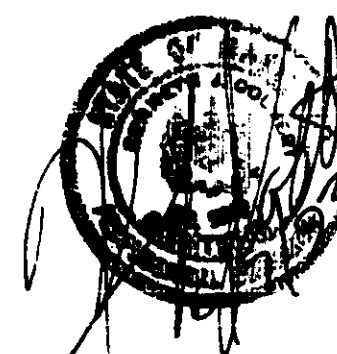
COLBERT ENGINEERING, INC.

3723 OLD COURT ROAD • SUITE 206
BALTIMORE, MARYLAND 21208
PHONE: (410) 653-3838
FAX: (410) 653-7953

ZONING DESCRIPTION
CHERRY VALLEY PLAZA
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME AT A POINT ON THE SOUTHWEST SIDE OF REISTERSTOWN ROAD, 66 FEET WIDE, A DISTANCE OF 45 FEET SOUTHEASTERLY FROM THE CENTERLINE OF CHERRY VALLEY ROAD; THEN BINDING ON SAID SIDE OF REISTERSTOWN ROAD SOUTH 43 DEGREES 47 MINUTES 29 SECONDS EAST 583.07 FEET; THENCE LEAVING SAID RIGHT-OF-WAY RUNNING SOUTH 31 DEGREES 39 MINUTES 31 SECONDS WEST 353.80 FEET TO THE NORTH SIDE OF NICODENUS ROAD 20 FEET WIDE; THENCE BINDING ON NICODENUS ROAD SOUTH 77 DEGREES 44 MINUTES 31 SECONDS WEST 126.17 FEET; THENCE LEAVING NICODENUS ROAD AND RUNNING NORTH 43 DEGREES 47 MINUTES 29 SECONDS WEST 680.74 FEET TO THE SOUTH SIDE OF CHERRY VALLEY ROAD, 60 FEET WIDE; THENCE BINDING ON SAID SIDE OF CHERRY VALLEY ROAD BY A CURVE TO THE RIGHT WITH A RADIUS OF 640.00 FEET, AN ARC LENGTH OF 123.89 FEET WITH A CHORD BEARING NORTH 51 DEGREES 45 MINUTES 14 SECONDS EAST, 123.69 FEET; THENCE NORTH 57 DEGREES 17 MINUTES 58 SECONDS EAST 180.59 FEET; THENCE BY A CURVE TO THE LEFT WITH A RADIUS OF 700.00 FEET, AN ARC LENGTH OF 135.50 FEET WITH A CHORD BEARING NORTH 51 DEGREES 45 MINUTES 14 SECONDS EAST, 135.29 FEET; THENCE SOUTH 88 DEGREES 47 MINUTES 29 SECONDS EAST 21.21 FEET TO THE POINT OF BEGINNING. CONTAINING 6.9581 ACRES OF LAND, MORE OR LESS.

DESCRIP/CHRYVALY.ZON



CIVIL ENGINEERS • LAND SURVEYORS

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: 7/23/93
Posted for: DKA Assoc. Limited Partnership
Petitioner: DKA Assoc. Limited Partnership
Location of property: 20000 Cherry Valley Rd. Cherry Valley, MD
Location of Sign: Along road on property to be zoned
Remarks: None
Posted by: [Signature] Date of return: 7/23/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 22, 1993
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 22, 1993.

THE JEFFERSONIAN,
A. Henricson
LEGAL AD. - TOWSON
Baltimore

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 on the following date and time:
Case Number: 94-12-A
Item 11
SAC Relaterston Road and Cherry Valley Road
Cherry Valley Plaza
4th Election District - 3rd Councilmanic
Petitioner(s): DKA Associates Limited Partnership
HEARING: MONDAY, AUGUST 9, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.
Variance: to permit 406 parking spaces in lieu of the required 463 spaces; and to permit an access aisle 14 feet and 20 feet for 90 degree parking in lieu of the required 22 feet.
LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3391.
7/25/93 July 22

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R0C1-6150
Number

DKA Assoc. L.P. Partnership
Cherry Valley Plaza

030 - 1 - 250.00
030 - 1 - 35.00
\$ 285.00

01A01N0044M1CHRC
86 C00316PH07-07-93
Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204
July 14, 1993

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 on the following date and time:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Cherry Valley Plaza
4th Election District - 3rd Councilmanic
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Variance to permit 406 parking spaces in lieu of the required 463 spaces; and to permit an access aisle 14 feet and 20 feet for 90 degree parking in lieu of the required 22 feet.

[Signature]
Arnold Jablon
Director

cc: DKA Associates Limited Partnership
Julius W. Lichter, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed on Recycled Paper

94-12-A

TO: PUTNEY PUBLISHING COMPANY
July 22, 1993 Issue - Jeffersonian
Please forward billing to:
Julius W. Lichter, Esq.
305 W. Chesapeake Avenue #113
Towson, Maryland 21204
410-321-0600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 on the following date and time:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-12-A (Item 11)
SAC Relaterston Road and Cherry Valley Road
Cherry Valley Plaza
4th Election District - 3rd Councilmanic
Petitioner(s): DKA Associates Limited Partnership
HEARING: MONDAY, AUGUST 9, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit 406 parking spaces in lieu of the required 463 spaces; and to permit an access aisle 14 feet and 20 feet for 90 degree parking in lieu of the required 22 feet.

[Signature]
Lawrence E. Schmidt
Zoning Commissioner for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

August 2, 1993

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. 94-12-A, Item No. 11
Petitioner: DKA Associates Limited Partnership
Petition for Variance

Dear Mr. Lichter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 7, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 29, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 9, 11, 12, 18, 19, 21, 24, 25, 26, 29, 32, 33, 34, 37 and 39.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: [Signature]

Division Chief: [Signature]

PK/JL:lw

ZAC 9/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: July 23, 1993

FROM: Robert W. Bowling, Senior Engineer
Development Plan Review

RE: Zoning Advisory Committee Meeting
for July 26, 1993
Item No. 11

The Development Plan Review Section has reviewed the subject zoning item. We recommend that a streetscape treatment that complies with the Landscape Manual be made a requirement by the Zoning Commissioner. (See attached plan.)

RWB:s

Encl.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 11 (CAM)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

[Signature]
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-452-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Case No. 68-127-R

ZONING HISTORY:

CASE NO. 68-127-R
PETITION FOR ZONING RECLASSIFICATION FROM R-10 TO R-L. GRANTED 12-21-67 RESTRICTIONS: NONE.

CASE NO. 70-60-R
PETITION FOR ZONING RECLASSIFICATION FROM DR-10 & DR-5.5 TO R-L. DENIED 12-15-78.
APPEALED 1-15-79. APPEAL DISMISSED 9-18-79.

CASE NO. 83-121-X
PETITION FOR A SPECIAL EXCEPTION TO PERMIT A COMMUNITY BUILDING, SWIMMING POOL OR OTHER STRUCTURAL LAND USE DEVOTED TO CIVIC, SOCIAL OR RECREATIONAL & EDUCATIONAL ACTIVITIES (A WOMEN'S REDUCING & HEALTH SALON w/ FACILITIES FOR DANCING & OTHER EXERCISES. (NO LONGER UTILIZED)).

CASE NO. 83-121-X (CONT.) GRANTED 11-20-82 RESTRICTIONS:
1. THE INTERIOR LAYOUT SHALL FOLLOW THE PATTERN SHOWN ON PETITIONER'S EXHIBIT 2.
2. THE SITE PLAN SHALL NOTE THE EXISTING FACILITIES, TRASHMENTS, CURBS & LANDSCAPING.
3. THE HEALTH SALON SHALL BE FOR WOMEN ONLY & SHALL BE CLOSED AFTER 9:00 PM.
4. A REVISED SITE PLAN, INCORPORATING THE APPLICABLE RESTRICTIONS SET FORTH ABOVE, SHALL BE SUBMITTED FOR APPROVAL BY THE MD. D.O.T. DEPT. OF PUD. WORKS & THE OFFICE OF P & Z. (NO LONGER UTILIZED).

CASE NO. 86-32-X
PETITION FOR A SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE IN A R-L ZONE. GRANTED 7-31-83 RESTRICTIONS:
1. THE EXISTING DRIVEWAY FROM THE INGRESS ONLY ACCESS SHALL BE POSTED w/ NO PARKING SIGNS.

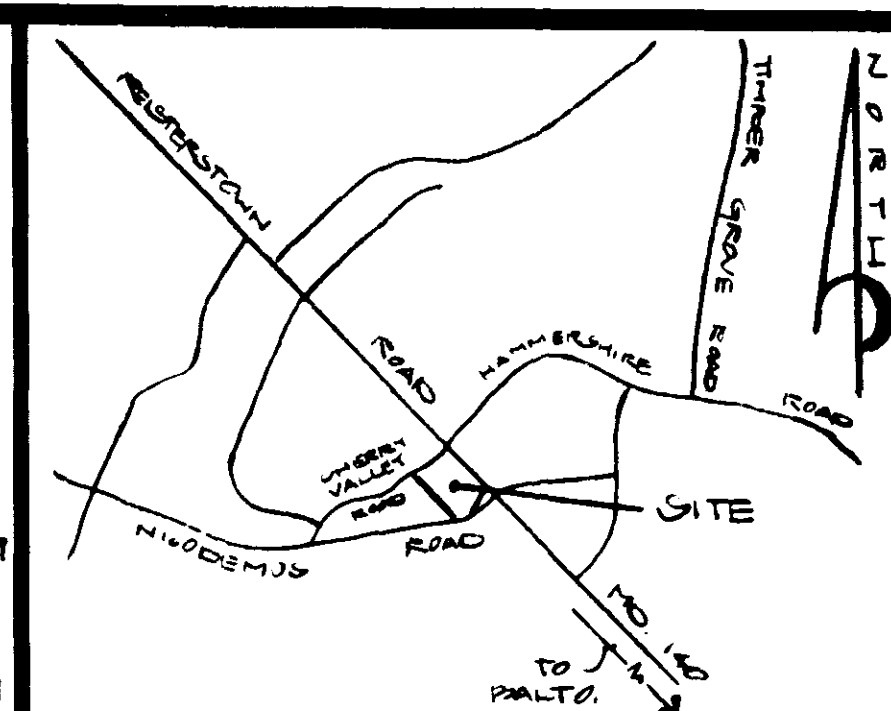
CASE NO. 86-32-X (CONT.)
2. A DUMPSTER ENCLOSED ON ALL FOUR SIDES & SCREENED SHALL BE PROVIDED. ALL USED PARTS SHALL BE STORED INSIDE THE BUILDING. ALL USED PARTS SHALL BE PLACED INSIDE THE DUMPSTER OR BUILDING. TRASH SHALL BE PICKED UP BETWEEN 7:30 AM & 8:15 AM.
3. LANDSCAPING ON THE SERVICE GARAGE SITE AS WELL AS ON THOSE PORTIONS OF THE SHOOTING CENTER PROPERTY AFFECTED BY THE DEVELOPMENT OF THE FRONT SERV. GARAGE, SHALL BE INSTALLED IN ACCORDANCE w/ THE BALTY. G. LAND. MANUAL.
4. EXTERIOR LIGHTS SHALL BE DIRECTED AWAY FROM RESIDENCES & CUT OFF BY 10:00 PM.
5. NO FREE-STANDING SIGN WILL BE PERMITTED.

CASE NO. 86-183-X
PETITION FOR SPECIAL EXCEPTION FOR TWO 12'x26'

CASE NO. 86-183-X (CONT.)
1. ADVERTISING STRUCTURES, GRANTED 12-23-85 RESTRICTIONS:
1. BASH OF THE TWP PROPOSED SINGLE PAGED ADVERTISING STRUCTURES SHALL NOT EXCEED 100 SQ. FT.
2. ILLUMINATION SHALL BE CUT OFF AT 11:00 P.M.
AMENDED ORDER 1-2-86 APPEALED 1-10-86
APPEAL UPHOLD 7-11-86 (PREVIOUS APPROVAL REVOKED)
APPEALED 8-8-86 (CASE NO 86-69-3000)
APPEAL REVERSED 6-1-87 (ORIGINAL PETITION GRANTED)

VARIANCES REQUESTED

- VARIANCE TO SECTION 400.4.2. OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT 400 PARKING SPACES IN LIEU OF THE REQUIRED 403 PARKING SPACES. [V-1]
- VARIANCE TO SECTION 400.4.6. OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT ACCESS AISLES OF 18'10" FEET FOR 200 PARKING IN LIEU OF THE REQUIRED 22' FEET. [V-2]



VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES

- OWNER/APPLICANT: DKA ASSOCIATES LTD. PARTNERSHIP
6225 CHARLES STREET
BALTIMORE, MARYLAND 21212
(410) 377-8600
DEED REF: 0370/100 (N/P)
TAX ACCT NO: 1000000333
- TOTAL AREA OF SITE: 6.0581 AC. ± OR 330,055 SQ. FT. ± (NET)
7.6027 AC. ± OR 333,787 SQ. FT. ± (GROSS)
- TOTAL SITE ZONED: R-L
- SEE ZONING HISTORY THIS SHEET.
- ELECTION DISTRICT: 4 COUNCILMANIC DISTRICT: 3
- FLOOR AREA RATIO:
ALLOWED: 3.0 OR 100,361 SQ. FT. ±
PROPOSED: 100,530/333,787 = 0.30, O.K. (INCLUDES PROP. CARRY OUT SUB SHOP).
- PARKING TABULATION: [V-1]

TENANT USE	FLOOR AREA SQ. FT.	TABULATION REQUIREMENT	SPACES REQUIRED
EASY BANK	225	3.3/1000	0.8
SPEEDY MUFFLER KING	3,608	3.3/1000	11.9
RECHINGER'S	73,177	5.0/1000	365.9
EROL'S VIDEO	3,400	5.0/1000	17.0
PARCEL PLUS	1,700	5.0/1000	8.5
UNITED OPTICAL	1,700	5.0/1000	8.5
CROSS COUNTRY	2,975	5.0/1000	14.9
BEAUTY BASICS	1,305	5.0/1000	6.5
DOMINO'S PIZZA	1,470	5.0/1000	7.4
HILLER CHIROPRACTIC	2,125	4.5/1000	9.6
BATTERY WAREHOUSE	700	5.0/1000	3.5
ALADDIN'S DRY CLEANERS	1,750	3.3/1000	5.8
GOLDEN KEY RESTAURANT	1,050	5.0/1000	5.3
NORWEST FINANCIAL	1,650	3.3/1000	5.5
VACANT	2,125	5.0/1000	10.6

*INCLUDES STORAGE AREA
w/ CARRY OUT ONLY

PROPOSED SUB SHOP	1,100	20/1000	22.0
TOTAL SPACES REQUIRED			483
TOTAL SPACES PROVIDED			406

(INCLUDES 5 SERVICE BAYS)

- THE ENTIRE PARKING LOT IS PAVED w/ A BITUMINOUS CONCRETE SURFACE & ALL SPACES ARE PERMANENTLY STRIPED. ALL PARKING SPACES ARE EXISTING.
- NO ADDITIONAL FREE-STANDING SIGNAGE IS PROPOSED AT THIS TIME.

94-12-A

PETITIONER'S
EXHIBIT No. 1

PLAN TO ACCOMPANY VARIANCE

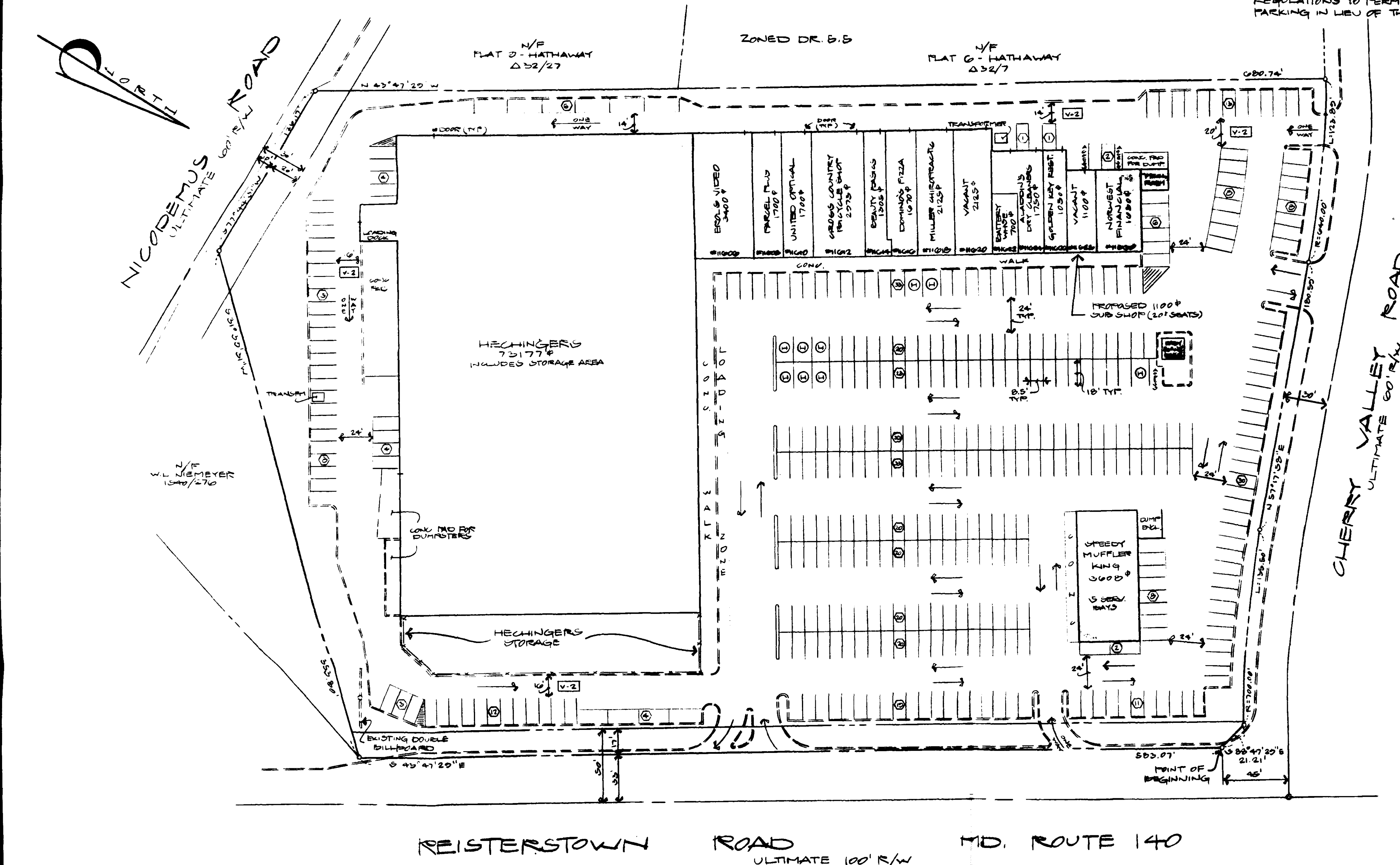
"CHERRY VALLEY PLAZA"

VE. INTERSECTION REISTERSTOWN ROAD & CHERRY VALLEY ROAD
FOURTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE: JUNE 4, 1993

SCALE: 1" = 40'

SHEET 1 OF 1



COLBERT ENGINEERING INC.

DUMBARTON SQUARE
3723 OLD COURT ROAD, SUITE 206
BALTIMORE, MARYLAND 21208
PHONE: (410) 653-3636

DESIGNED BY	CHECKED BY	DATE	SCALE	NO.	DATE	REVISION	BY
SLD	SLD	11/10/88	1" = 40'	03032			



ZONING HISTORY:

CASE NO. 68-127-R
PETITION FOR ZONING RECLASSIFICATION FROM R-10 TO R-1. GRANTED 12-21-67 RESTRICTIONS: NONE.

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PETITION FOR ZONING RECLASSIFICATION FROM DR-10 & DR-5.5 TO R-1. DENIED 12-15-78. APPEALED 1-15-79. APPEAL DISMISSED 6-18-79.

CASE NO. 83-121-X
PETITION FOR A SPECIAL EXCEPTION TO PERMIT A COMMUNITY BUILDING, SWIMMING POOL OR OTHER STRUCTURAL LAND USE DEVOTED TO CIVIC, SOCIAL OR RECREATIONAL & EDUCATIONAL ACTIVITIES (A WOMEN'S REDUCING & HEALTH SALON w/ FACILITIES FOR DANCING & OTHER EXERCISES (NO LONGER UTILIZED)).

CASE NO. 83-121-X (CONT.) GRANTED 11-20-82 RESTRICTIONS:
1. THE INTERIOR LAYOUT SHALL FOLLOW THE PATTERN SHOWN ON PETITIONER'S EXHIBIT 2.
2. THE SITE PLAN SHALL NOTE THE EXISTING FACILITIES, TRASHMEN'S, CURBS & LANDSCAPING.
3. THE HEALTH SALON SHALL BE FOR WOMEN ONLY & SHALL BE CLOSED AFTER 9:00 PM.
4. A REVISED SITE PLAN, INCORPORATING THE APPLICABLE RESTRICTIONS SET FORTH ABOVE, SHALL BE SUBMITTED FOR APPROVAL BY THE MD. D.O.T. DEPT. OF PUD. WORKS & THE OFFICE OF P & Z. (NO LONGER UTILIZED).

CASE NO. 86-32-X
PETITION FOR A SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE IN A R-10 ZONE. GRANTED 7-31-85 RESTRICTIONS:
1. THE EXISTING DRIVEWAY FROM THE INGRESS ONLY ACCESS SHALL BE POSTED w/ NO PARKING SIGNS.

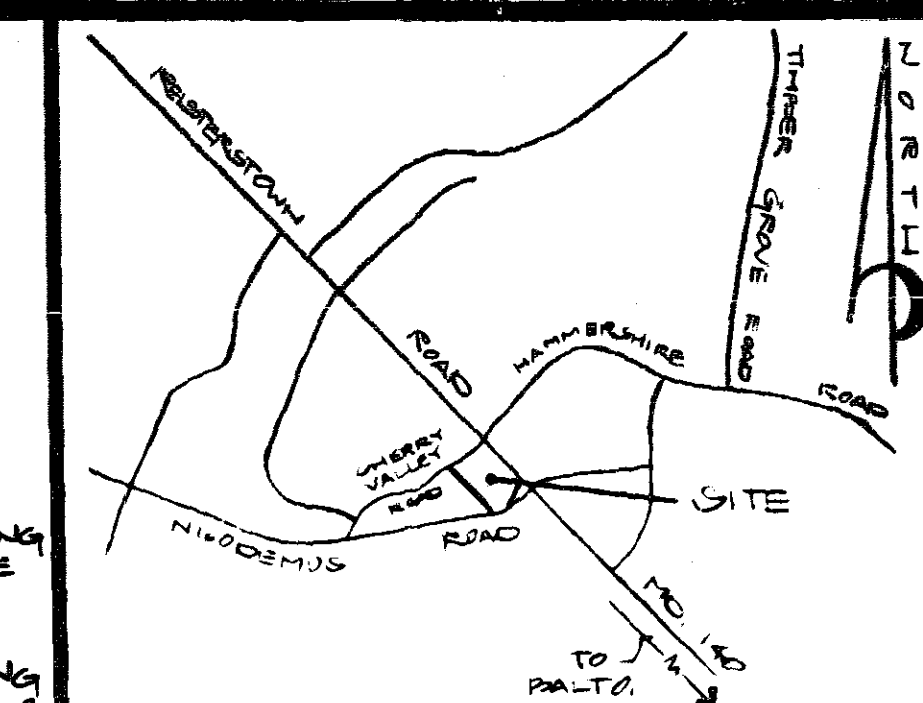
CASE NO. 86-32-X (CONT.)
2. A DUMPSTER ENCLOSED ON ALL FOUR SIDES & SCREENED SHALL BE PROVIDED. ALL NEW PARTS SHALL BE STORED INSIDE THE BUILDING. ALL USED PARTS SHALL BE PLACED INSIDE THE DUMPSTER OR BUILDING. TRASH SHALL BE PICKED UP BETWEEN 7:30 AM & 8:00 PM.
3. LANDSCAPING ON THE SERVICE GARAGE SITE, AS WELL AS ON THOSE PORTIONS OF THE SHOOTING CENTER PROPERTY AFFECTED BY THE DEVELOPMENT OF THE FRONT SERV. GARAGE, SHALL BE INSTALLED IN ACCORDANCE w/ THE HEALTH & LAND. MANUAL.
4. EXTERIOR LIGHTS SHALL BE DIRECTED AWAY FROM RESIDENCES & EXT. OFF BY 10:00 PM.
5. NO FREE-STANDING SIGNS WILL BE PERMITTED.

CASE NO. 86-133-X
PETITION FOR SPECIAL EXCEPTION FOR TWO 12'x28'

CASE NO. 86-133-X (CONT.)
ADVERTISING STRUCTURES, GRANTED 12-23-85 RESTRICTIONS:
1. EACH OF THE TWO PROPOSED SINGLE FACED ADVERTISING STRUCTURES SHALL NOT EXCEED 150 SQ. FT.
2. ILLUMINATION SHALL BE CUT OFF AT 11:00 P.M.
APPEALED ORDER 1-3-86 APPEALED 1-10-86
APPEAL UPHOLD 7-11-86 (PREVIOUS APPROVAL REVOKED)
APPEAL 8-8-86 (CASE NO 86-04-300B)
APPEAL REVERSED 6-1-87 (ORIGINAL PETITION GRANTED)

VARIANCES REQUESTED

- VARIANCE TO SECTION 400.6.A.2. OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT 400 PARKING SPACES IN LIEU OF THE REQUIRED 483 PARKING SPACES. [V-1]
- VARIANCE TO SECTION 400.4.C. OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT ACCESS AISLES OF 14'10" FOR 20' PARKING IN LIEU OF THE REQUIRED 22 FEET. [V-2]



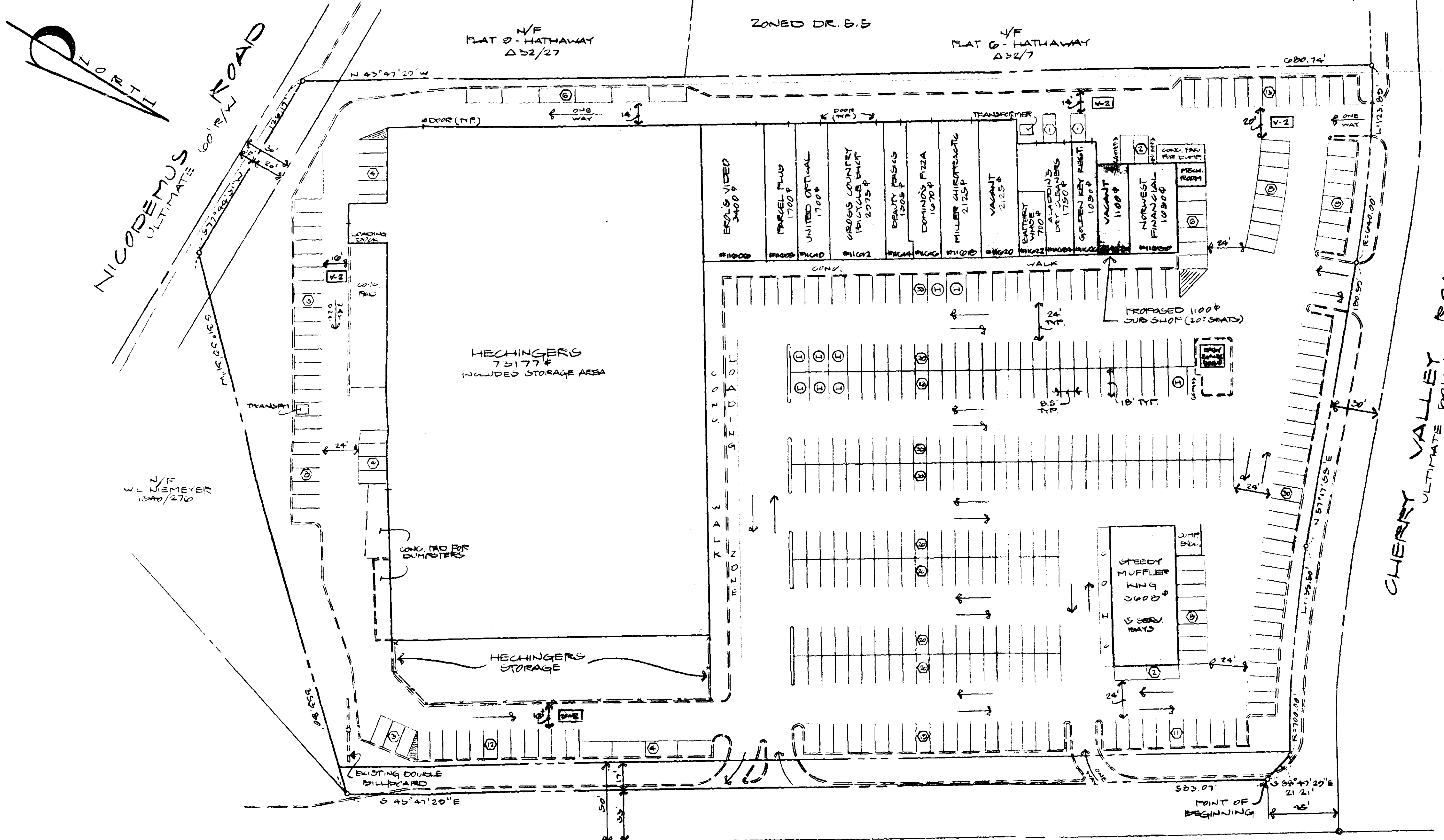
VICINITY MAP
SCALE: 1"=2000'

GENERAL NOTES

- OWNER/APPLICANT: DKA ASSOCIATES LTD. PARTNERSHIP
6229 N. CHARLES STREET
BALTIMORE, MARYLAND 21212
(410) 577-8000
DEED REF: 0370/100 (N/P)
TAX ACCT NO.: 100000553
- TOTAL AREA OF SITE: 6,058.1 AC. ± OR 303,025.56 FT. ± (NET)
7,002.7 AC. ± OR 333,787.56 FT. ± (GROSS)
- TOTAL SITE ZONED: R-1
- SEE ZONING HISTORY THIS SHEET.
- ELECTION DISTRICT: 4 COUNCILMANIC DISTRICT: 3
- FLOOR AREA RATIO:
ALLOWED: 3.0 OR 10013061.56 FT. ±
PROPOSED: 100530/333787 = 0.30, O.K. (INCLUDES TROP CARRY OUT SUB SHOP).
- PARKING TABULATION: [V-1]

TENANT USE	FLOOR AREA SQ. FT.	TABULATION REQUIREMENT	SPACES REQUIRED
EASY BAK	225	3.3/1000	0.8
SPEEDY MUFFLER KING	3,608	3.3/1000	11.9
BECHINGER'S	73,177	5.0/1000	365.9
EROL'S VIDEO	3,400	5.0/1000	17.0
PARCEL PLUS	1,700	5.0/1000	8.5
UNITED OPTICAL	1,700	5.0/1000	8.5
CROSS COUNTRY	2,975	5.0/1000	14.9
BEAUTY BASICS	1,305	5.0/1000	6.5
BONINO'S PIZZA	1,670	5.0/1000	8.4
MILLER CHIROPRACTIC	2,125	4.5/1000	9.6
BATTERY WAREHOUSE	700	5.0/1000	3.5
ALADDIN'S DRY CLEANERS	1,750	3.3/1000	5.8
W. GOLDEN RET. RESTAURANT	1,050	5.0/1000	5.3
BONWEST FINANCIAL	1,650	3.3/1000	5.5
VACANT	2,125	5.0/1000	10.6
*INCLUDES STORAGE AREA NO CARRY OUT ONLY			
PROPOSED SUB SHOP	1,100	20/1000	22.0
TOTAL SPACES REQUIRED			483
TOTAL SPACES PROVIDED			406 (INCLUDES 5 SERVICE BAYS)

- THE ENTIRE PARKING LOT IS PAVED w/ A BITUMINOUS CONCRETE SURFACE & ALL SPACES ARE PERMANENTLY STRIPED. ALL PARKING SPACES ARE EXISTING.
- NO ADDITIONAL FREE-STANDING SIGNAGE IS PROPOSED AT THIS TIME.



REISTERSTOWN ROAD MD. ROUTE 140
ULTIMATE 100' R/W

PLAN TO ACCOMPANY VARIANCE "CHERRY VALLEY PLAZA"

DE. INTERSECTION REISTERSTOWN ROAD & CHERRY VALLEY ROAD
FOURTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

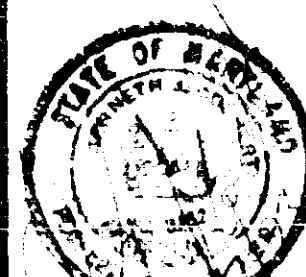
DATE: JUNE 4, 1993 SCALE: 1"=40'

SHEET 1 OF 1

COLBERT ENGINEERING INC.

DUMBARTON SQUARE
3723 OLD COURT ROAD, SUITE 206
BALTIMORE, MARYLAND 21208
PHONE: (410) 653-3838

REVIEWED BY	DESIGNED BY	DRAWN BY	CHECKED BY	DATE	SCALE
		S.L.D.	K.V.C.	MAY 11, 1993	1" = 40'
FIG. NO.	AC FILE	QUAD	JOB NO.	REF. #	SHEET
			23052		1



ZONING HISTORY:

CASE NO. 68-127-R
PETITION FOR ZONING RECLASSIFICATION FROM R-10 TO R-1. GRANTED 12-21-67. RESTRICTIONS: NONE.

CASE NO. 70-60-R
PETITION FOR ZONING RECLASSIFICATION FROM R-10 TO R-1. DENIED 12-18-75.
APPEALED 1-15-76. APPEAL DISMISSED 9-18-76.

CASE NO. 83-121-X
PETITION FOR A SPECIAL EXCEPTION TO PERMIT A COMMUNITY BUILDING, SWIMMING POOL OR OTHER STRUCTURAL LAND USE DEVOTED TO CIVIC, SOCIAL OR RECREATIONAL & EDUCATIONAL ACTIVITIES (A WOMEN'S REDUCING & HEALTH SALON W/FACILITIES FOR DANCING & OTHER EXERCISES (NO LONGER UTILIZED)).

CASE NO. 83-121-X (CONT.) GRANTED 11-29-82. RESTRICTIONS:
1. THE INTERIOR LAYOUT SHALL FOLLOW THE PATTERN SHOWN ON PETITIONER'S EXHIBIT 2.
2. THE SITE PLAN SHALL NOTE THE EXISTING FACILITIES, PAVEMENTS, CURBS & LANDSCAPING.
3. THE HEALTH SALON SHALL BE FOR WOMEN ONLY & SHALL BE CLOSED AFTER 9:00 PM.
4. A REVISED SITE PLAN, INCORPORATING THE APPLICABLE RESTRICTIONS SET FORTH ABOVE, SHALL BE SUBMITTED FOR APPROVAL BY THE MD. D.O.T. DEPT. OF PUB. WORKS & THE OFFICE OF P & Z. (NO LONGER UTILIZED).

CASE NO. 86-32-X
PETITION FOR A SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE IN A R-1 ZONE. GRANTED 7-31-85. RESTRICTIONS:
1. THE EXISTING DRIVEWAY FROM THE INGRESS ONLY ACCESS SHALL BE PAVED W/NO PARKING SIGNS.

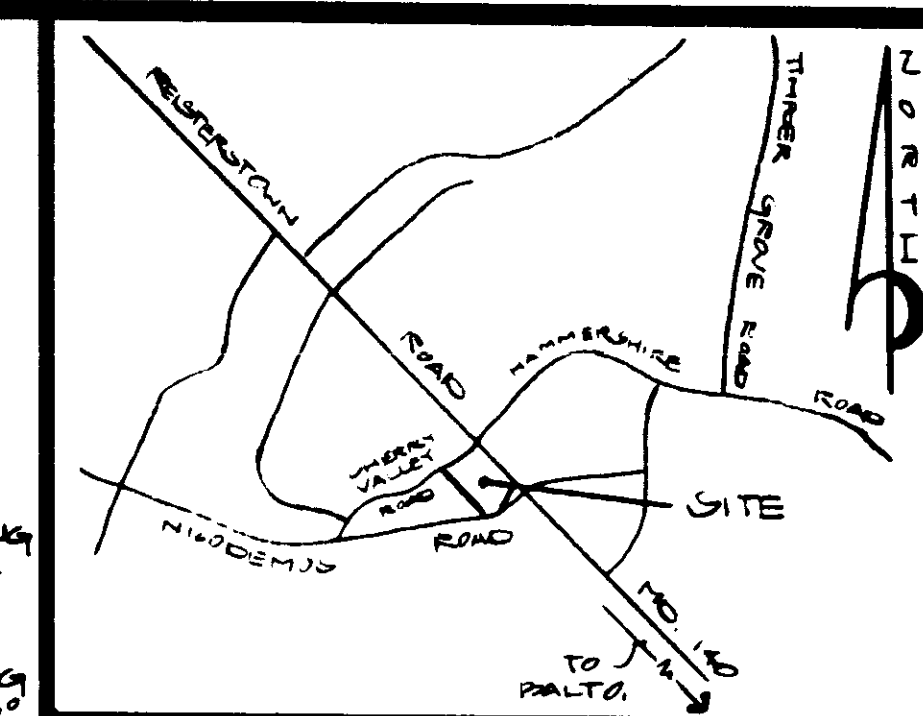
CASE NO. 86-32-X (CONT.)
2. A DUMPSTER ENCLOSED ON ALL FOUR SIDES & SCREENED SHALL BE PROVIDED. ALL NEW PARTS SHALL BE STORED INSIDE THE BUILDING. ALL USED PARTS SHALL BE PLACED INSIDE THE DUMPSTER OR BUILDING. TRASH SHALL BE PICKED UP BETWEEN 7:30 AM & 8:00 PM.
3. LANDSCAPING ON THE SERVICE GARAGE SITE, AS WELL AS ON THOSE PORTIONS OF THE SHOOTING CENTER PROPERTY AFFECTED BY THE DEVELOPMENT OF THE FRONT SERV. GARAGE, SHALL BE INSTALLED IN ACCORDANCE W/THE BALTY. G. LAND. MANUAL.
4. EXTERIOR LIGHTS SHALL BE DIRECTED AWAY FROM RESIDENCES & CUT OFF BY 10:00 PM.
5. NO FREE-STANDING SIGNS WILL BE PERMITTED.

CASE NO. 86-185-X
PETITION FOR SPECIAL EXCEPTION FOR TWO 12'x25'

CASE NO. 86-185-X (CONT.)
ADVERTISING STRUCTURES. GRANTED 12-23-85. RESTRICTIONS:
1. EACH OF THE TWO PROPOSED SINGLE PAGED ADVERTISING STRUCTURES SHALL NOT EXCEED 150 SQ. FT.
2. ILLUMINATION SHALL BE CUT OFF AT 11:00 PM.
AMENDED ORDER 1-3-86. APPEALED 11-10-86.
APPEAL UPHOLD 7-11-86 (PREVIOUS APPROVAL REVOKED)
APPEAL 8-8-86 (CASE NO. 86-185-X)
APPEAL REVERSED 6-1-87 (ORIGINAL PETITION GRANTED)

VARIANCES REQUESTED

- VARIANCE TO SECTION 400.6.4.2. OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT 400 PARKING SPACES IN LIEU OF THE REQUIRED 483 PARKING SPACES. [V.1]
- VARIANCE TO SECTION 400.4.6. OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT ACCESS AISLES OF 14.10 FEET FOR 80' PARKING IN LIEU OF THE REQUIRED 22 FEET. [V.2]



VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES

1. OWNER/APPLICANT: DKA ASSOCIATES LTD. PARTNERSHIP
2223 CHARLES STREET
BALTIMORE, MARYLAND 21212
(410) 377-8600
DEED REF: 0379/000 (W/P)
TAX ACCT NO.: 1200000553

2. TOTAL AREA OF SITE: 6.5581 AC. ± OR 303,035.36 FT. ± (NET)
7.6627 AC. ± OR 333,787.32 FT. ± (GROSS)

3. TOTAL SITE ZONED: R-1

4. SEE ZONING HISTORY THIS SHEET.

5. ELECTION DISTRICT: 4 COUNCILMANIC DISTRICT: 3

6. FLOOR AREA RATIO:
ALLOWED: 3.0 OR 100,130.1 SQ. FT. ±
PROPOSED: 100,530 / 333,787 = 0.30, O.K. (INCLUDES FRONT CARRY OUT SUB SHOP).

7. PARKING TABULATION: [V.1]

TENANT USE	FLOOR AREA SQ. FT.	TABULATION REQUIRED	SPACES REQUIRED
EASY BANK	225	3.3/1000	0.8
SPEEDY MUFFLER KING	3,608	3.3/1000	11.9
HECHINGERS	73,177	5.0/1000	365.9
ZECH'S VIDEO	2,400	5.0/1000	12.0
PARCEL PLUS	1,700	5.0/1000	8.5
UNITED OPTICAL	1,700	5.0/1000	8.5
CROSS COUNTRY	2,975	5.0/1000	14.9
BEAUTY BASICS	1,395	5.0/1000	6.5
DOMINO'S PIZZA	1,470	5.0/1000	7.4
HILLER CHIROPRACTIC	2,125	4.5/1000	9.6
BATTERY MARENGO	700	5.0/1000	3.5
ALADDIN'S DRY CLEANERS	1,750	3.3/1000	5.8
W. GOLDEN REY RESTAURANT	1,050	5.0/1000	5.3
NORWEST FINANCIAL	1,650	3.3/1000	5.5
VACANT	2,125	5.0/1000	10.6

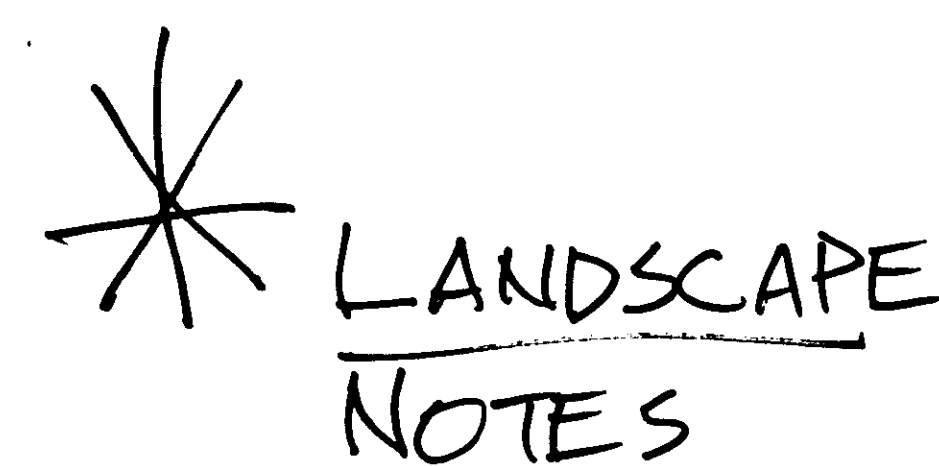
* INCLUDES STORAGE AREA

** GARAGEY OUT ONLY

PROPOSED SUB SHOP 1,100 20/1000 22.0
TOTAL SPACES REQUIRED 483
TOTAL SPACES PROVIDED 406
(INCLUDES 5 SERVICE BAYS)

8. THE ENTIRE PARKING LOT IS PAVED W/A BITUMINOUS CONCRETE SURFACE & ALL SPACES ARE PERMANENTLY STRIPED. ALL PARKING SPACES ARE EXISTING.
9. AN ADDITIONAL FREE-STANDING SIGNAGE IS PROPOSED AT THIS TIME.

PROPOSED CLASS 'B' SCREEN - EVERGREEN



LANDSCAPE
NOTES

PLAN TO ACCOMPANY VARIANCE

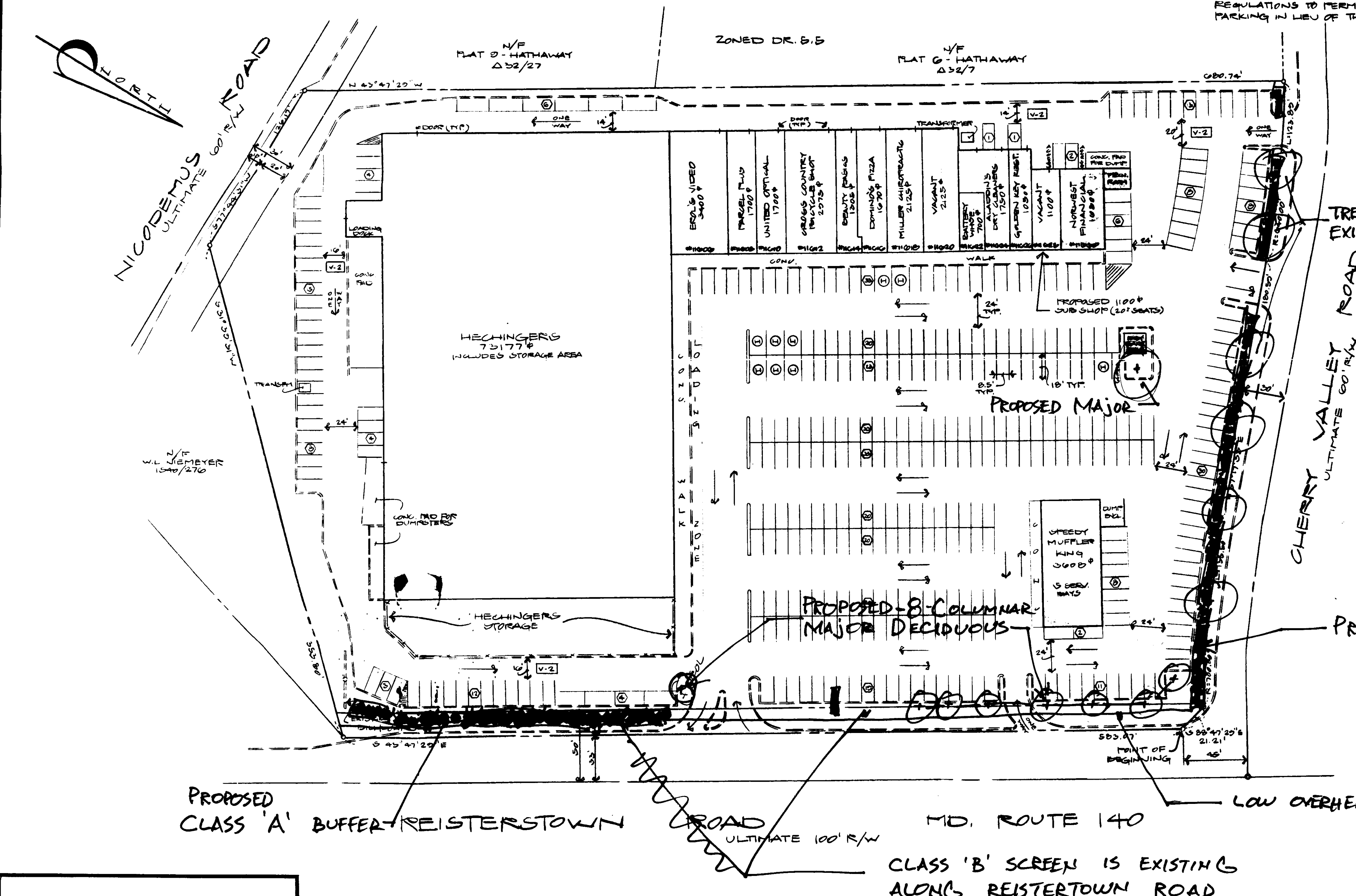
"CHERRY VALLEY PLAZA"

U.S. INTERSECTION REISTERSTOWN ROAD & CHERRY VALLEY ROAD
FOURTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE: JUNE 4, 1993

SCALE: 1" = 40'

SHEET 1 OF 1



COLBERT ENGINEERING INC.
DUMBARTON SQUARE
3723 OLD COURT ROAD, SUITE 206
BALTIMORE, MARYLAND 21208
PHONE: (410) 653-3838

DESIGNED BY	APPROVED BY	DATE	SCALE	NO.	DATE	REVISION	BY
COLBERT	S.L.D.	MAY 11, 1993	1" = 40'	05032			

